

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00220

Victor Manuel Ortiz,
Petitioner,

v.

United States of America,
Respondent.


ORDER

On May 10, 2019, petitioner Victor Ortiz, an inmate formerly confined at the Bradshaw State Jail, filed a writ of habeas corpus. Doc. 1. The petition was referred to United States Magistrate Judge K. Nicole Mitchell. On September 22, 2020, the magistrate judge issued a report recommending that the petition be dismissed without prejudice for petitioner's failure to comply with an order of the court and his failure to prosecute. Doc. 12.

Petitioner did not object to the report and recommendation. When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. Petitioner's petition is **dismissed without prejudice**. Petitioner is **denied** a certificate of appealability *sua sponte*, which refers to an appeal of this case and does not prevent petitioner from refiling.

So ordered by the court on November 6, 2020.



J. CAMPBELL BARKER
United States District Judge

